

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND
(Northern Division)

Carl Sullivan, et ux.,)
)
Plaintiffs,)
)
v.) Case No. _____
) [Formerly Circuit Court for Baltimore County,
Catholic Health Initiatives, Inc.,) Maryland – Case No. 03-C-13-004045]
)
)
Defendant.)

NOTICE OF REMOVAL

Defendant Catholic Health Initiatives, Inc. (“CHI”), through undersigned counsel, expressly reserving their right to any Rule 12 defenses that they may have, hereby removes Case No. 03-C-13-004045 from the Circuit Court for Baltimore County, Maryland to the United States District Court for the District of Maryland pursuant to 28 U.S.C. §§ 1332(a)(1), 1441(b) and 1446, and as grounds for its removal states as follows:

1. On April 11, 2013, Plaintiffs filed an eleven count Complaint against Defendant CHI in the Circuit Court for Baltimore County, entitled *Sullivan v. Catholic Health Initiatives, Inc.*, Case No. 03-C-13-004045 (“*Sullivan v. CHP*”). Attached hereto as Exhibit 1 is a true and accurate copy of the Complaint filed in the Circuit Court in *Sullivan v. CHI*.
2. On or about April 16, 2013, the Circuit Court issued a Writ of Summons for the *Sullivan v. CHI* case. Attached hereto as Exhibit 2 is a true and accurate copy of Circuit Court docket entries.
3. To date, Plaintiffs have not served Defendant CHI with a copy of either the Complaint or Writ of Summons.

4. On or about April 16, 2013, Plaintiffs filed a Motion to Consolidate and Request for Hearing, seeking to consolidate this action with a related action *Sullivan v. St. Joseph Medical Center, Inc.*, Case No. Case No. 03-C-10-012624 (“*Sullivan v. SJMC*”) in the Circuit Court for Baltimore County. Attached hereto as Exhibit 3 is a true and accurate copy of the Motion to Consolidate and Request for Hearing.

5. This Court has original jurisdiction over this action under the provisions of 28 U.S.C. § 1332, and it may be removed to this Court by Defendant CHI pursuant to the provisions of 28 U.S.C. § 1441(a), which provides, in pertinent part, that:

. . . any civil action brought in a state court of which the district courts of the United States have original jurisdiction, may be removed by the defendant . . . to the district court of the United States for the district and division embracing the place where such action is pending.

6. The United States District Court for the District of Maryland has original jurisdiction because (a) this action is between citizens of different states; and (b) the amount in controversy exceeds the sum of \$75,000 exclusive of interests and costs.

7. In particular, Plaintiffs Carl Sullivan and Dorothy Sullivan allege that they are individuals who are residents and citizens of the state of Maryland, residing at 521 Ponderosa Drive, Bel Air, Maryland, 21014. Ex. 1, ¶¶ 10-11.

8. Defendant CHI is a nonprofit corporation organized under the laws of Colorado, with its principal place of business in Englewood, Colorado. Ex. 1, ¶ 12.

9. There is thus complete diversity of citizenship between the parties. *See Cent. W. Va. Energy Co. v. Mt. State Carbon, LLC*, 636 F.3d 101, 102 (4th Cir. 2011) (“For federal diversity jurisdiction purposes, a corporation is a citizen of the states in which it has been incorporated and in which it has its principal place of business.”).

10. Plaintiffs seek compensatory damages in excess of \$30,000 under each of the eleven counts in the Complaint, resulting in total amount of compensatory damages sought to be in excess of \$330,000. Plaintiffs further seek punitive damages under each count of the Complaint. The amount in controversy thus exceeds \$75,000. *See Herlihy v. Ply-Gem Industries, Inc.*, 752 F. Supp. 1282, 1287 (D. Md. 1990) (“[T]he aggregation of claims in order to satisfy the jurisdictional requirements of § 1332(a) is permitted only (1) in a case in which a single plaintiff seeks to aggregate two or more of his own claims against a single defendant and (2) in a case in which two or more plaintiffs unite to enforce a single title or right in which they have a common and undivided interest.”).

11. A true and correct copy of this Notice of Removal currently is being filed with the Clerk of the Circuit Court of Baltimore County, and served on counsel for Plaintiffs pursuant to 28 U.S.C. § 1446(d).

12. Defendant CHI is the only named defendant, and consents to the removal of the action to this Court.

13. Copies of all process, pleadings, and orders are attached hereto as Exhibits 1 and 3.

14. By this Notice of Removal, Defendant does not waive any objections it may have as to service, jurisdiction or venue, or any other defenses or objection it may have to this action. Defendant intends no admission of fact, law or liability by this Notice, and expressly reserves all defenses, motions and/or pleas.

THEREFORE, Defendant CHI requests that this action be removed from the Circuit Court for Baltimore County, Maryland to this Court for all further proceedings.

Dated: April 30, 2013

Respectfully submitted,

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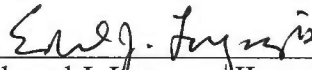
*Attorneys for Defendant Catholic Health Initiatives,
Inc.*

CERTIFICATE OF SERVICE

I do hereby certify that on April 30, 2013, I served a true copy of the foregoing **Notice of Removal** by delivering a true and exact copy thereof, via U.S. Mail, First Class, postage prepaid, addressed to the following counsel of record:

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